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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,601	02/05/2004	Glenn M. Beyer	4173/17US	6208
29858	7590	12/15/2005	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022			KUNDU, SUJOY K	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,601

Applicant(s)

BEYER ET AL.

Examiner

Sujoy K. Kundu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18, 27-34, are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al (US 2005/0015186 A1).

With regards to claims 1, 15, 17, 18, 27-34 Kelly teaches a method, performed with the aid of a computer, for estimating a distance a vehicle will be driven during a designated period of time, comprising:

Verifying that data representing historical mileage information for a vehicle is accurate (Fig. 3, 303, Page 2, Paragraph 21).

Mathematically determining a forecast of mileage the vehicle will be driven during a designated time period (Pages 3-5, Paragraph 31-48), using the data representing historical mileage information (Page 2, Paragraph 3);

Assessing a probable error associated with the mileage forecast (Page 3, Paragraph 24); and storing the forecast usage in permanent or temporary memory (Page 2, Paragraph 19).

With regards to claim 2, wherein mathematically determining the forecast of mileage the vehicle will be driven comprises a regression analysis (Fig. 4, Page 3, Paragraph 31).

With regards to claim 3, 16, wherein the time period is designated by a user (Page 2, Paragraph 23, "technician").

With regards to claim 4, wherein the time period is designated at least initially by default (Page 2, Paragraph 23).

With regards to claim 5, wherein the time period is designated by specifying at least one reference date (Page 2, Paragraph 23).

With regards to claim 6, comprising providing the forecast of mileage is provided to an output automatically (Page 2, Paragraph 23).

With regards to claim 7, wherein the output includes at least one of facsimile, email, a webpage, a printer, and a wireless device (Fig. 3, 306, Page 3, Paragraph 27).

With regards to claim 8, wherein the forecast of mileage is provided to an output automatically (Page 3, Paragraph 26-27).

With regards to claims 9,10, wherein verifying that data representing historical mileage information for a vehicle is accurate (Fig. 3, 303) comprises comparing historical data representing historical mileage information to other data representing historical mileage information (Page 2, Paragraph 21).

With regards to claims 11,12, wherein at least one of the verifying that the data representing historical mileage information for a vehicle is accurate (Fig. 3, 303, Page 2, Paragraph 21), mathematically determining the forecast of mileage (Pages 3-5,

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Paragraph 31-48), assessing a probable error associated with the mileage forecast (Page 3, Paragraph 24), and strong the forecast in permanent or temporary memory (Page 2, Paragraph 19) is performed by the computer is subject to prior confirmation by a user of the computer (Page 1-2, Paragraph 18).

With regards to claim 13, wherein the permanent or temporary memory includes memory accessible via a network (Fig. 2, 202).

With regards to claim 14, further comprising a customer accessing and modifying the stored mileage forecast (Fig. 2, Page 2-3, Paragraph 18).

With regards to 27-34, a computer-readable medium or media comprising machine-executable programming logic for causing the computer to perform the limitations above (Page 1-2, Paragraph 17-18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-26, 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly as in view of Lockwood et al. (6,694,234).

Regarding claims 19 and 22, Kelly teaches a method, performed with the aid of a computer, for estimating a distance a vehicle will be driven during a designated period of time, comprising: determining a mileage estimate for a vehicle, using data representing historical mileage information.

Regarding claims 20 and 21, Kelly teaches wherein the data representing historical mileage information comprises data associated with the same vehicle (Page 2, Paragraph 21) and data representing historical mileage information comprises data associated with at least one vehicle other than the vehicle for which the mileage was estimated (Page 2, Paragraph 21).

Regarding claim 25, Kelly teaches wherein the output includes at least one of facsimile, email, a webpage, a printer, and a wireless device (Fig. 3, 306, Page 3, Paragraph 27).

Regarding claim 26, Kelly teaches wherein the invoice is provided to the output automatically (Page 3, Paragraph 26-27).

Regarding claims 35-38, Kelly teaches a computer-readable medium or media comprising machine executable programming logic for causing a computer system to perform the above limitations.

However, regarding claims 19 and 22, Kelly does not teach determining an invoice price using the mileage estimate; and storing the invoice price in permanent or temporary storage. Lockwood discloses an invoice price using the mileage estimate (Column 7, Lines 37-50); and storing the invoice price in permanent or temporary storage (Fig. 3, Column 5, Lines 22-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create an invoice price using the mileage estimate; and storing the invoice price in permanent or temporary storage as taught by Lockwood into Kelly

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for the purpose of providing a more comprehensive and immediate customer service response (Lockwood, Column1, Lines 19-20).

With regards to claim 23 and 24, Kelly does not teach a method for formatting the invoice in a human readable and/or machine-readable form; and providing an invoice to an output designated by a user. Lockwood discloses a method for formatting the invoice in a human readable and/or machine-readable form (Column 8, Lines 34-46); and providing an invoice to an output designated by a user (Fig. 5, Column 5-6, Lines 63-67, 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create a method for formatting the invoice in a human readable and/or machine-readable form; and providing an invoice to an output designated by a user. Lockwood discloses a method for formatting the invoice in a human readable and/or machine-readable form; and providing an invoice to an output designated by a user (Lockwood, Column1, Lines 19-20).

Response to Arguments

Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive. With regards to independent claims 1, 27, and 28, Applicant argues that Kelly does not teach or suggest the recitation of verifying that data representing historical mileage information for a vehicle is accurate. Examiner respectfully disagrees with applicant as Kelly does teach verifying that data representing historical mileage information for a vehicle is accurate (Fig. 3, 303, Page 2, Paragraph 21).

With regards to Claims 15, 29-30, Applicant argues that Kelly does not teach or suggest mathematically determining a usage forecast for a vehicle during a time period designated by a user of the computer. Examiner respectfully disagrees with applicant as Kelly does teach mathematically determining a usage forecast for a vehicle during a time period designated by a user of the computer (Pages 3-5, Paragraph 31-48).

With regards to Claims 17, 31-32, Applicant argues that Kelly does not teach or suggest determining a forecast of mileage a vehicle will be driven during a selected time period, using regression analysis and data representing historical mileage information. Examiner respectfully disagrees with applicant as Kelly does teach determining a forecast of mileage a vehicle will be driven during a selected time period, using regression analysis and data representing historical mileage information. (Fig. 4, Page 3, Paragraph 31).

With regards to Claims 18, 33-34, Applicant argues that Kelly does not teach or suggest assessing a probably error associated with the mileage forecast. Examiner respectfully disagrees with Applicant as Kelly teaches a "revised" current mileage to deal with extraneous factors (Page 4-5, Paragraphs 47-48). One in the ordinary skill of the art may interpret the revised current mileage a method of assessing error.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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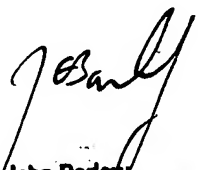
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujoy K. Kundu whose telephone number is 571-272-8586. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKK
12/07/2005


John Barlow
Supervisory Patent Examiner
Technology Center 2800